

DOCTORS' ADVICE TO THE REFUGEES

Do Not Be in a Hurry To Return
Home for Awhile.

WEATHER MUST GET COOLER

It Has Been Quite Warm in Montgomery for Several Days.

FEVER HAS NOT ENTIRELY DISAPPEARED

Two New Cases and Several Suspicious Ones Reported—General Alabama Nws.

Montgomery, Ala., November 15.—(Special)—Two new cases of yellow fever were officially reported today and there are certainly more cases. Refugees are returning by train loads, and if the warm weather, which has continued for a week, should last a week longer, it is believed that quite a number of new cases may develop.

The refugees who have returned are disposed to regret that they have done so. The doctors are unite in advising their patients that they had been removed away for a while longer.

The new cases are Lorenzo Woodruff, of the book firm of White, Woodruff & Fowler, and who lives at the corner of Lawrence and Alabama, and William B. Moore, at 256 Mountain. Neither is seriously ill.

By the terms of the governor's proclamation, the state quarantine will be raised as far south as Greenville and the railroads are preparing to reinaugurate their regular schedules.

Another cold snap is promised for the night.

The theory charged to Dr. Gutteras and other eminent authorities on yellow fever that sanitary conditions play no part in the spread of the disease, appears to be contradicted by the experience of Montgomery. In 1870, when the state was spread over, it almost depopulated the eastern part of the city, especially the northeastern quarter. This part was thickly settled, there was no sewerage and not far away was a great body of ugly, disease breeding water, known as Cypress pond. The disease during this epidemic spread all in the western part of the city. Since that time the Cypress pond has, at considerable expense, been ditched out of existence.

The western part of the city is occupied to a very large extent by small property owners—persons who have bought or built cottages and have been paying for them out of their city government. This government has, out of consideration for these persons, been indulgent in the matter of forcing them to go to the expense of putting in sanitary sewers, and a very large number of the houses in that part of town are therefore not connected with the mains. This section of the city also lies along the river, which has been exceptionally low and fifty this season by reason of the continued drought.

When yellow fever developed here last September it spread like wildfire throughout the western half of the city and especially in the northeastern quarter. Perhaps a dozen sporadic cases, contracted in the western part of town, have developed in the eastern half, but none of them have proved fatal.

It is likely that the council will not lose much time in calling the proper authorities to inspect the western part of the city, and it is probable the residents of that quarter will not demur to the requirements.

Montgomery's New Postmaster.

Montgomery, Ala., November 15.—(Special)—The new postmaster at the capital, which Governor Johnston has arranged to borrow for the purpose of paying off the state teachers, the sum of \$10,000, and that all of the teachers will be paid before the end of the present month, has been greatly affected the loan, it is stated, at the remarkably low rate of 4 per cent, considering that the loan is to be paid in 10 years.

One of the principal arguments used against Governor Johnston in his campaign for the nomination was that he being a free silver man, he would not be able to pay off the Wall street financiers when the state repaid them. It has been a long time since the state has been able to make similar loans at anything like so advantageous a figure.

The receipts at the treasury will also insure the state auditor to send out the confederate pension warrants about the last of the month.

Death of Mr. Eagan.

Mr. Peter Eagan, eighty-nine years of age, died last night at residence, 187 Simpson street, but old age was the direct cause of his death. He leaves five children to mourn his loss. The funeral arrangements will be announced later.

Borrowing To Pay Teachers.

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Making the Baby Happy is a Woman's Best Pleasure.

Such a baby is born happy. Smiles and dimples are natural. It is as if it were born happy. Such a baby is a woman's best pleasure. It is easy to make a baby happy. Such a baby is born happy. Smiles and dimples are natural. It is as if it were born happy.

It is a sickly child. It rests with every woman whether her baby shall be healthy and happy, or puny and miserable. If during the period preceding birth she has been taking care of the organs upon which the perpetuation of the race depends, she insures the health of herself and child. It is easy to do this. The best medicine is at hand. Over one thousand women have testified in writing to the value of this.

The organs that make wifehood and motherhood possible are directly acted upon by Dr. Pierce's Favorite Prescription. It makes the woman healthy and strong, and cures all weakness and disease. It prepares for maternity. It does away with the discomforts of the expectant period. It insures baby's health and makes it a advent easy and a smooth pleasure. It cures all the ills of the "Favorite Prescription" than of all other similar medicines combined.

"I am anxious to add my testimonial to your 'Favorite Prescription' writes Mrs. C. G. Braden, of Birmingham, Alabama. I have been using the 'Prescription' for several months previous to my confinement, and I am sure I have never been in greater health. I commenced to use it. I feel fully as well as ever I did in my life. Up to the very day when the baby was born I had no trouble whatever during confinement I had not the least symptoms of fever. The 'ordal' was nothing to what I expected."

The woman who owns a copy of Dr. Pierce's Common Sense Medical Adviser probably does not realize at once all that she gains in exchange for it. There was the price of \$1.00. That paid for a large volume of the paper. There is as day by day she looks into her anxieties for her family's health. She learned how to make her children well and happy. She learned the healing of her own weaknesses. She learned the causes and the cures. 600 cox copies have been sold at \$1.00 each. Now an edition in strong paper covers, which will be distributed gratis to all the stores—shops to the World's Dispensary Medical Association, Buffalo, N. Y., to cover the cost of mailing only. Send 31 stamps for cloth binding.

PARTNER WANTS A RECEIVER.

Owners of Gold Mine Property Failed To Be Able To Agree.

This morning Judge Kimsey will hear a petition for a receiver for the gold mine, near Cleveland, in White county, known as the old Thompson lot. The case will be heard at Cleveland.

Some time ago four northern men, John Dersall, George Gregory, Alden Brown and A. Lusk, bought the mine and invested all but \$10,000. A new process of mining was invented.

For some reason the partners fell out and Dersall differed with the other three. It is he who brings the petition for receiver through his attorney, Fulton Colville. The case is an interesting one and the property involved is well known and of value.

BAND LEADER KILLS HIMSELF.

Professor Dennis Levy Commits Suicide at Soldiers' Home.

Richmond, Va., November 15.—Professor Dennis Levy, 36, of the National Soldiers' home, Hampton, committed suicide this morning by shooting himself.

He was sixty-two years old, a native of Ireland and served in the line war from New Hampshire. He had been despondent for some time.

NELMS HAS FAITH IN HIS DEPUTIES

He Has None but Men He Can Trust Implicitly.

THE SHERIFF WRITES A CARD

Tells Why He Did Not Go Home with Steinau Himself.

IS SATISFIED WITH WHAT WAS DONE

Judge Candler's Order Was Turned Over to Mr. Hardeman with Written Instructions.

WALTER O'QUINN BEFORE THE JURY

Continued from First Page.

"Only lawyers and newspaper men can remain inside the bar," said Judge Candler. "The gallery is upstairs, where you can get seats. When that is full the sheriff will close the doors. I will not have the courthouse filled with a mob."

Witnesses Are Sworn.

Solicitor Hill called for the witnesses for the state, who were sworn.

"I want a list of these state witnesses," said Mr. Spalding. "I will give the state a list of our witnesses."

"I have given Mr. Spalding a list of our witnesses and a copy of the indictment," said Mr. Hill.

The testimony of Captain Slaughter showed that the large sign board suspended in the store was near the rear door.

The 44-caliber ball—the one fired by Officer Ponder—showed by the hole in the board where it had struck the sign board. The 44-caliber ball, which was fired by the murderer, came from the rear door, as it passed through the sign board going toward the front door. The effect of the testimony was to show that the officer was toward the front door in the light and that the man was near the back door in the dark.

"Both Simon and O'Quinn were arrested in the retail saloon. I do not know where Steinau was when he was arrested," said Captain Slaughter.

Some photographs of the scene were taken of the wooden brawlers. He swore that two of the wooden brawlers had been beaten and badly battered. He said there were chisel marks on the little iron door, which shut with a spring lock.

The Former Robbery Discussed.

Captain Slaughter was asked to testify about the former robbery and the character of the goods reported stolen.

He said the robbery was reported about three days ago.

"He said a gold watch and \$150 in cash were stolen and that he investigated the case, looked closely at the front door and the office.

There was considerable mystery about the robbery and the goods were never recovered.

This robbery has caused much speculation among the police and detectives and coupled with the fact that the store has been almost looted has caused the police to be very suspicious in regard to the first robbery.

Attorney Phillips Testifies.

Mr. Ben J. Phillips, of the law firm of Phillips and Johnson, who directed the original bill of lading for a retail store of Louis Steinau was introduced by the state to show what time the papers reached the court and the hour the receiver was appointed and what service had been made of the papers.

"The first bill was presented to Mr. Phillips. He said it was the second time he had seen the store. He said he had been to the store to see a party.

Captain Slaughter Testifies.

Captain Bradley Slaughter, chief of detectives, said he was sworn Thomas J. Ponder in the undertaking establishment of Meyers on the night of the murder shortly after the crime had been committed.

He told the court that he was informed by Ponder that he had been shot in the head, and that he had been hit in the back by a bullet hole in the rear door.

"I saw the ball," said Dr. McDaniel.

Dr. McDaniel's testimony.

Mr. H. L. McDaniel, the first witness for the state, went on the witness stand at 11:30 o'clock.

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Mr. H. L. McDaniel,

Fired, Nervous

ey Troubles and Fatigue
the Heart—Appetite
does not Sleep.

10 years I have been
my liver and kidneys and
the heart, and was under
most of the time. I
my left side. My app-
etite and I could not sleep. In
up confide me to the
very low and was attended
best physicians I could
nothing would
March 1, began taking
ills. In less than a week
od night's sleep. I con-
sidered Sarsaparilla and I
on my left side which
able to do for years. My
and I have gained in flesh.
Mrs. NICHOLAS MAAS,
Remember

Sarsaparilla

act the One True Blood Pack
\$1. six for \$5. Get Hoods
are purely vegetable, re-
sistant and beneficial.

Uncle Sam's
Women
Workers

Workers in our Government
they do and what
—Illustrated with
s. In the October

news-stands, \$1.00 a
Munsey, New York.

TER & CO.,

ome Street,
47th to 48th St.

YORK,

and Road Wagons

aged standard.

been brought
we that we are
ounded with a
cern formerly
a similar name,
form the public
at the above lo-
we have been
enty-five years.

The Girl Still in Macon.

Lizzie Zephry Wynne, the child for whom
\$100 was raised by subscription during
the progress of the recent meetings arranged
in this city, some time ago, has not
been taken off to the orphanage, as was
stipulated by Dr. Wharton when he, as
conductor of the revival, collected the
money.

It is not known exactly why the girl has
never been taken away. The money was
hand before Dr. Wharton left Macon,
but it is understood that the girl had the
whole time at her disposal. The preacher said it would be dangerous to take
her to the orphanage where other children
were, and that she would be better off at
home. She was never sent to the orphanage
for yet, but it is hoped by those who are
caring for her that she will be sent to the
city that some arrangement will be made
in the near future by which she will be
taken away.

Dr. Wharton had but little trouble in
raising the money during the revival meetings
he held here for the purpose of caring
for the girl. The money having been
nounced that it was for this special pur-
pose that he would collect the subscrip-
tions.

Go to Claim a Fortune.

Sigmund Freuden, the German who was
pardoned by Governor Atkinson and re-
leased a day or two ago from jail, where
he has been serving a sentence of six
months on the charge of forgery, left Ma-
con yesterday morning for Germany, where
he will go to Germany to claim the fortune to
which he has fallen heir.

With \$100 in his pocket, he
forged another's name to an order on a
drug store for \$25.00, he received news
that his mother had died and his brother
had died and left him a joint estate of
\$40,000. Governor Atkinson pardoned him, and
he was the last to leave Macon today when
he stepped onto the outgoing train with
a ticket to New York and money to take
him to Germany, where he will claim his
fortune.

It was with some difficulty that he raised
enough money to take him in reach of his
thousands.

Southern May File a Demurser.

It is said now by parties who ought to
know that the Southern railway will prob-
ably file another demurser to the suit that
was brought against that company by
the Atlanta Herald. Coming of this suit
this litigation involving the doing
the right of the Southern railway to have made
the dials it did make in getting control of
several lines in the state which are said to
be competing lines, is one of the most
peculiar suits that have been filed in the
United States court for the southern
district of Georgia for some time.

The case was brought to a hearing, as is
well known, very recently in this city and
resulted in a hitch, the demurser of the
Southern railway to the general claims of
the party of the plaintiffs being off-
ered. The amendment to the suit was
then filed in showing how the plaintiffs
had been injured by the consolidation of
the Southern with other lines
whereas the competition had been de-
stroyed which insured lower rates.

It is now stated that the Southern rail-
way people have prepared a demurser to
the amendment, or will have it prepared

before the trial.

LYNCH

W. Mitchell Sta-

domestic wines and

distilled beer, etc. Fine

peculiar. Also boots

and sole leather,

up skins, hardware,

garden and field

seeds. Mason and

brick work, and

timber and lumber.

Bargains in han-

ger. Terms cash.

IED. 187.

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WATTERSON TALKS
ABOUT ATLANTA

His Experience Here During the Last
Years of the War.

EDITOR OF ALL THE PAPERS

Printers' Strike Caused the Sheets To
Consolidate.

WATTERSON WAS CHOSEN AS EDITOR

His Lecture Last Night in Macon.
Would Not Talk of Politics in
His State.

Macon, Ga., November 15.—(Special)—
Colonel Henry Watterson, editor of The
Louisville Courier-Journal, who is now on
a lecture tour through the south, lectured
in Macon today, his subject being "Money
and Morals."

Colonel Watterson had never been heard
on the lecture platform here before, and
his "Money and Morals" was very much
enjoyed by a large and select audience of
Maconites.

The colonel had never been in Macon
and his visit was an event of note
among the members of the Macon Loyalist
lecture bureau. He said to the Constitution
today that he has declined to be interviewed
on politics, as he has no desire to be
involved in any political discussion, and
to what he has to say concerning politics
through the columns of The Louisville
Courier-Journal. Colonel Watterson talks
interestingly about his stay in Atlanta
during the war. He was relating some
thrilling incidents of his grand tour
today about the Atlanta experience. He
says he has often been inclined to write a
sketch of the ups and downs of the
newspaper field, but has not done so
until this morning, when they found a
form of a human being lying in the public
road, with his body and head punctured
with bullets and buckshot. Upon investigation
it was found to be the remains of
Josh Ruff, a desperate outlaw who recently
escaped from the penitentiary and had been
in that community for several weeks.

Terrorized the Community.

It is told that the outlaw went around
with several pistols and a Winchester rifle,
and has been known to hold up several
negroes of the Sleepy Hollow community
and rob them, and he was also guilty of
going into the negro houses and at the
point of his rifle demand the negroes to
surrender to him their money and other
valuables. The negroes were afraid of
Ruff, consequently they failed to say
anything about the treatment they were
receiving at the hands of the outlaw.

He Fired Back.

The brat was supposed to be on the
other side of the hill, according to the
newspaper, and he was shot in the shoulder
as pupil of the Normal and Industrial
college. There has been a great deal
of talk about the affair today, but nothing
definite can be said in the way of
information concerning the parties and the
strange procedure.

NEGRO ON JURY BY MISTAKE.

He Will Be Removed by the Judge
When Court Reconvenes.

Columbus, Ga., November 15.—(Special)—
The superior court convened this morning
with Judge John C. Hart, of the Oconee circuit,
and all of the newspapers had to consult
and get out a single edition, and they
made up a special edition for the purpose.
As a result of the special edition, the
newspaper was printed in that consolidated
issue of the Oconee and the Macon, which
was getting off their brighten things and
having a good time, when Steed arose
and began reciting "I Am Dying."
The negro was shot in the shoulder, and
deep, rich, resonant voice full of pathos
and emotion that was all went wild in the
courtroom, and the printer went on a strike. Atlanta
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having a good time, when Steed arose
and began reciting "I Am Dying."

Death of a Negro on Jury.

The negro was shot in the shoulder, and
deep, rich, resonant voice full of pathos
and emotion that was all went wild in the
courtroom, and the printer went on a strike. Atlanta
and all of the newspapers had to consult
and get out a single edition, and they
made up a special edition for the purpose.
As a result of the special edition, the
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PUBLISHED DAILY, SUNDAY AND WEEKLY.

CLARK BOWELL Editor
W. A. HEMPHILL Business Manager



The Morning Constitution (with Sunday) \$1.00;
\$8.00; without Sunday, \$6.00; Weekly, \$1.00.

We do not undertake to return rejected MSS., and
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The Constitution can be found on sale at the following places:

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To Subscribers.

The Traveling Agents of The Constitution are Messrs. W. H. Overbury and Charles H. Donnelly.

NICHOLS & HOLLIDAY, Constitution Advertisers for all territory outside of Atlanta.

ATLANTA, GA., November 16, 1897.

The State, the University and the De-nominational Colleges.

There is, in the present discussion over the use of the federal land scrip fund, an unfortunate tendency toward arousing a spirit of antagonism between the university and the denominational colleges. There is certainly no sound reason for such a manifestation, nor is there any reason why there should be even a feeling of rivalry among them. They all have one common end in view, and they are working toward it with one common purpose. That end and that purpose are to uplift and elevate the human mind.

In pursuit of such a high and noble aim, there may well be rivalry, but it should be the rivalry that builds up instead of the envious antagonism that pulls down. In the present state of public education in Georgia, none of the existing institutions can lay the hand of detraction on another without reaping some of the evil effects.

Let the condition, prospects, hopes and aims of our higher educational institutions be discussed as freely as possible, but always with an eye to promoting their interests, always with the intention of enlarging their various fields of usefulness. In such a discussion it sometimes happens that, among those who participate, there are to be found men whose candor is mistaken for criticism, and whose earnestness is wrongfully interpreted to mean opposition.

Such a man, if we are to judge by some of the comments on his recent address before the legislature, is Dr. Warren A. Candler, president of Emory College. His record as an educator is an enviable one, and he is now at the head of a great denominational institution, the usefulness of which has largely increased. He is enthusiastic in the work he is called to do, and whatever he does or says is marked by a sincerity that cannot be questioned.

The Constitution has no doubt that Dr. Candler's apparent opposition to state support of the university is the general constitutional inhibition of exemptions from taxation, an inhibition which includes college endowments. This inhibition is not specific, but is incidental.

It is impossible to believe that the framers of the constitution of 1877 intended to lay the hand of taxation on endowments to be devoted to strengthening our educational institutions.

Every intelligent mind must feel that such taxation flies directly in the face of public policy. We see, on the one hand, the public sentiment of the state working and contriving to broaden our educational facilities, working and contriving to promote higher education, and, on the other, the state itself subtracting from educational endowments by means of the tax assessor. There is a clash here that can be remedied only when the burden of taxation is specifically removed from endowments to educational institutions. It is worse than folly to try to increase a fire by taking away the fuel. So far, we are most heartily at one with Dr. Candler. All endowments to all educational institutions, secular or denominational—all endowments for educational purposes of whatever kind and character—should be exempted from taxation.

So far as the state university is concerned, its basic and ground work lie deeper than mere temporary views, opinions and prejudices. It belongs to the history of the state. James Wright, the provincial governor, evacuated the state in June, 1782. The next year Governor Lyman Hall, in his opening message, said: "It will be your wisdom to lay an early foundation for endowing seminaries of learning," and out of that statement grew and developed the state university. If it could have grown as the state has grown—if its endowments now were as large in proportion to the wealth of the state as they were one hundred and ten years ago, we should have in Georgia today a great central institution of learning outreaching and over-topping any and all establishments south of Baltimore. Such an institution, the founders of the state hoped to organize. Though their expec-

tations have not been realized, the failure is not due to lack of merit in their scheme, but to the unexplainable prejudices which have embarrassed all who favor higher education. These prejudices have dogged every effort on the part of right-thinking men to give the university the place which its founders intended it should occupy in our system.

Georgia, which was as forward in establishing and fostering education as any state, has done less for its university than any other southern state. It must be borne in mind that the federal land scrip fund in no way affects the matter of state taxation. That fund is a thing apart. It is a government appropriation for a specified purpose. It was accepted by the state during the administration of Governor Smith, and with the clear understanding that the terms under which its bestowal was made should be faithfully carried out. The trustees of the university are charged with the responsibility of applying the fund for the uses for which it was set apart. These trustees are men of character and ability, and they can be depended upon to do their duty.

The diversion of this fund from the university will not divert the fund itself from the only use to which it can be lawfully applied. The diversion would cripple the university without materially helping any other institution, and so the general cause of education will be hurt.

There is no good reason why the educational energies that have been concentrated at the university should be divided. These energies bear no relation to the wealth and population of the state, but such as they are, no good can come of depriving them of even a small part of their potency.

Not an educational institution in the state would be helped by wrecking the university. There is no bargain counter in education. In so far as the university is crippled, just so far will the cause of education in Georgia be hurt.

The "pivotal state" farce is at an end. The curtain has been rung down and the lights are out.

Emperor William and the Pope.

Of all the queer antics which have made young Emperor William of Germany the laughing stock of Europe during the past few years none has equalled in absurdity the personal complaint which that obstreperous young sovereign filed against his holiness, the pope of Rome.

To quote the language of this erratic complaint as set forth in recent news dispatches received in this country it is charged that Pope Leo, instead of upholding the triple alliance composed of Germany, Austria-Hungary and Italy, has insisted upon throwing the influence of the Vatican upon the side of France and Russia, composing what is known as the dual alliance.

Rome Argus: The Cedar Standard

republishes the suggestion of the name of Judge Joel Brandom for attorney general as made by The Argus. No better nomination could be made.

Are you not acquainted with some who don't even take this much stock in paradise whereever or never go to church because they know "you are everlasting taking up collections."

The gist of this article is to stir up the stewards, deacons and elders to do their whole duty in arousing their church members and the people generally. Insist on their giving freely, liberally, bountifully, and dutifully of helping others. He never failed afterwards to regularly drop a sou in her tin cup with the self-satisfied air of a pugnacious prince. The good priest finally noticed the gift and, over and over, quietly called his sister's attention to the old money lover: "See Monsieur D. buying a penny's worth of paradise."

Some Georgia men are to be an

assisting of incumbents in the statehouse

of Georgia.

Sports Ishmaelite: If there is to be an

meeting of incumbents in the statehouse

of Georgia.

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is entitled to the governorship, as some of the politicians say. The News nominates Judge Joel Brandom of Rome, for the position.

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Editorial: The Atlanta Standard

SUPREME COURT RENDERS DECISIONS

Interesting Judgments Handled Down in
the High Court Yesterday.

HEAD NOTES GIVEN IN FULL

Reported by Stevens & Graham, Ad-
porters of Supreme Court of the
State of Georgia.

Allen v. the State. Before Judge Candler.
Bibb superior court.

Little, J.—Where a criminal case has
gone to final judgment in a superior court
and the trial judge thereof being dis-
qualified from taking the same, the
accused filed an extraordinary motion
for a new trial, upon which a rule nisi
was issued by the judge of another cir-
cuit, directing that the defendant be heard
and that the effort was to render this motion
returnable to the superior court in which
the motion was made, and that it was law-
ful to hear and determine such motion
as it was filed, and that it was a proceeding
pending in and to be disposed of
by that court.

2. The motion to hear and determine
such motion was heard by the court and did
not belong exclusively to the particular
judge by whom the rule nisi had been
issued, and the reason was that the
assistant general commented upon it in
his argument to the jury, after no cause
for a new trial had been shown.

3. This court will not overrule the
newly discovered evidence is not such
as to justify the granting of a new trial.
Judgment affirmed. All the justices con-
curring.

T. E. Watson, F. H. Saffold and G. M.
Warren, for plaintiff in error. R. T. Rawlins, solicitor general, by T. V.
Harding, contra.

North v. the State. Before Judge Harris.
Cobb superior court.

Little, J.—A ground of a motion for a
new trial predicated upon newly
discovered evidence is usually com-
mended, but it affirmatively appears that both
the movant and each of his counsel were
ignorant of such evidence until after the
verdict. New and discovered evidence
of the only effect of which is not to impeach
witnesses, is not, in law, sufficient to support
a finding either way.

4. This court will not overrule the
newly discovered evidence is not such
as to justify the granting of a new trial.
Judgment affirmed. All the justices con-
curring.

Preston & Ayer and Guerry & Hall, for
plaintiff in error. R. T. Rawlins, solicitor general, by T. V. Harding, contra.

Cochran v. the State. Before Judge Nor-
wood. City court of Savannah.

Little, J.—Where the accused was an officer of a social club, that
gaming with cards for money was carried
on in the name of the club, the portions of
the leases in the games used were not
instructing the jury to return a verdict in
favor of the club, the court, in its opinion,
received the same and the plaintiff was
client to warrant a verdict finding him
guilty of keeping a gaming house.

5. The fact that the accused was
client to warrant a verdict finding him
guilty of keeping a gaming house.

George W. Owens, for plaintiff in error.

T. A. Atkinson, solicitor general, contra.

Luby v. the State. Before Judge Sheppard.
Early superior court.

6. The trial of an indictment for
murder, the following charge to the
jury was given: "In this case the state
relies, in part, upon what is known in law
as circumstantial evidence. In this case
when the case was called announcing ready
for trial, it was not, when the attend-
ants of the attorney general, that the
accused had been deprived of his right to
withhold a waiver of trial by jury previously
made, it not appearing that the motion to
withhold was made in order to obtain
a trial by jury, but sufficient to support
a finding of delay, or that granting it would have
resulted in a further postponement of the
case in order to obtain a jury to try the
case."

7. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Johnson v. the State. Before Judge Butt.
Muscogee superior court.

8. The trial of a criminal case in a
city court, had been repeatedly postponed
on account of the absence of an indispensable
witness, and the court, in its opinion,
when the case was called announcing ready
for trial, did not, when the attend-
ants of the attorney general, that the
accused had been deprived of his right to
withhold a waiver of trial by jury previously
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9. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Jones v. the State. Before Judge Butt.
Muscogee superior court.

10. The trial of a criminal case in a
city court, had been repeatedly postponed
on account of the absence of an indispensable
witness, and the court, in its opinion,
when the case was called announcing ready
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11. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Crut v. the State. Before Judge Candler.
Fulton superior court.

12. The killing by the accused of his
mate, within his personal knowledge, had
shortly before the homicide been guilty of
lewd and lascivious acts with another man
and the accused expressed no regret for her
conduct, is murder and the law mandates
a sentence of death. The law provides
a rule for guidance.

13. The killing of a person in which
the accused was of unsound mind at the
age of fourteen years, etc., a mere
general rule, will not suffice to support
a finding of life imprisonment.

14. The charge of the court was erroneous
and misleading, and the law mandates
a sentence of death.

15. The trial of a criminal case in a
city court, had been repeatedly postponed
on account of the absence of an indispensable
witness, and the court, in its opinion,
when the case was called announcing ready
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16. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Samuels v. the State. Before Judge Ross.
City court of Macon.

17. The trial of a criminal case in a
city court, had been repeatedly postponed
on account of the absence of an indispensable
witness, and the court, in its opinion,
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18. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
City court of Macon.

19. The trial of a criminal case in a
city court, had been repeatedly postponed
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20. This case upon its facts does not
materially differ from those of Brown v.
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Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
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21. The trial of a criminal case in a
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22. This case upon its facts does not
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and is controlled by the decisions
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Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
City court of Macon.

23. The trial of a criminal case in a
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24. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
City court of Macon.

25. The trial of a criminal case in a
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26. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
City court of Macon.

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a finding of delay, or that granting it would have
resulted in a further postponement of the
case in order to obtain a jury to try the
case."

30. This case upon its facts does not
materially differ from those of Brown v.
State, 139, 30, and Bishop v. State, 139, 30,
and is controlled by the decisions
therin rendered.

Judgment reversed. All concurring.

George E. and L. J. Spinks, for plain-
tiff in error.

Robert Hodges, solicitor general, contra.

Wells v. the State. Before Judge Freeman.
City court of Macon.

31. The trial of a criminal case in a
city court, had been repeatedly postponed
on account of the absence of an indispensable
witness, and the court, in its opinion,
when the case was called announcing ready
for trial, did not, when the attend-
ants of the attorney general, that the
accused had been deprived of his right to
withhold a waiver of trial by jury previously
made, it not appearing that the motion to
withhold was made in order to obtain
a trial by jury, but sufficient to support
a finding of delay, or that granting it would have
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It is
Not Strange

That so many people have lost confidence in Medicines that have been palmed off on the public as "cures" for every disease with which the human race is afflicted and frequently persons refuse to believe anything they hear about a reliable remedy.

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THE GREAT BLOOD PURIFIER IS WORKING WONDERS.

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It Gives Light for Darkness.
It Gives Health for Sickness.

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Manager.

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Special work of every description. High octal 60.

GAVEL GIVEN FROM FRANKLIN'S FIELD

Interesting Occasion at Session of
Confederate Vets.

VALUABLE SOUVENIR SHOWN

It Was Made from the Wood of a
Historic Ginhouse.

MAJ. A. J. WEST MAKES STIRRING SPEECH

Tells of the Incidents of the Fight
Letter Read from the Lady Who
Gave the Gavel.

Quite an interesting incident characterized the session of the Atlanta camp, No. 13, of Confederate Veterans last night at their regular meeting when Major A. J. West presented his comrades with a gavel made from the wood of the famous old ginhouse which stood on the battlefield of Franklin, Tenn.

It was an enthusiastic occasion when the letter from Mrs. Carrie L. Marche, who gave the gavel to Major West, was read. The letter had resounded with rebel yell.

The gavel, which was made from the wood of the ginhouse, marked the first step of the veterans looking to the reunion which is to come here in July next year. Just following the meeting of the commanders here comes this session of the local camp and all survivors are going to an annual active service to mark the great gathering.

The most notable in the history of the organization. Following was the letter read by Major West presenting the gavel to the camp.

Franklin, Tenn., October 23, 1897.—Major A. J. West, Atlanta, Ga. My Dear Sir:—It is a great pleasure as a Daughter of the Confederacy to send you a gavel for your bivouac made from the old ginhouse that stood on the famous battlefield of Franklin, Tenn.

It is a great occasion when the letter from Mrs. Carrie L. Marche, who gave the gavel to Major West, was read. The letter had resounded with rebel yell.

The last bicycle races of the season will take place at the colliseum tonight. The last match race of the season will be run and the man who wins it will hold the indoor championship until next year.

It has taken all the year to make this race, bringing all the men together and now that the race has been consummated it will be the race of the year.

Cooper and Bald have been fighting shy of each other all year and managers all over the country have been trying to bring them together during the entire season.

Cooper has thought that Bald did not want me to bring him to the race, but the same thing as Cooper, Cooper held the champion last year and this year Bald took it away from him and quite naturally Cooper wanted to meet and defeat Bald just to show the world that he could do it.

Bald, of course, cannot afford to let Cooper beat him here at the close of the season.

Cooper has had won his championship and provided his superiority all the season.

Eaton is in about the same fix.

Until Bald came and defeated him he was the undisputed champion of the board tracks, but Bald won the title from him and now he will give anything to win it back.

Loughhead is the man who has won the race.

It is a great race and cannot be counted entirely out of it.

There are many who do not think that he can beat Eaton, and Loughhead is determined that he will do

that very thing tonight.

There is a great deal of feeling between the two men and they are both determined to win tonight.

It will take the race to decide the long disputed question and it will undoubtedly be a great race.

BEST RACE OF YEAR COMES TONIGHT

FOUR CHAMPIONS WILL TRY FOR SEASON CHAMPIONSHIP.

RESULT CLOSELY WATCHED

Each of the Men Has Many Admirers in Atlanta.

MONEY IS UP AND ALL IS READY

Race Will Be in Six Heats and in Case of a Tie a Final Will Be Run To Decide.

The last bicycle races of the season will take place at the colliseum tonight. The last match race of the season will be run and the man who wins it will hold the indoor championship until next year.

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It will take the race to decide the long disputed question and it will undoubtedly be a great race.

Conditions of the Race.

The race tonight is to be run under different circumstances from any race last year. Each of the men will be required to put up his own money to form part of the stake. All of the men have put their money up with Manager Prince and he will this morning turn it over to Mr. Joseph Thompson, who is to act as stakeholder for them. The winner of the race will take all of this money. The purse consists of half of the gate receipts to be divided among the men.

First heat, Cooper vs. Eaton. Called at 8:20.

Second heat, Eaton vs. Cooper. Called at 8:30.

Third heat, Loughhead vs. Eaton. Called at 8:40.

Fourth heat, Bald vs. Cooper. Called at 8:50.

Fifth heat, Loughhead vs. Cooper. Called at 9:00.

Sixth heat, Bald vs. Eaton. Called at 9:10.

In case of a tie there will be a final heat to decide the winner and this heat will be one-half mile instead of a mile.

Betting on the race has been very heavy and all kinds of bets have been made.

The favorite bet, however, seems to be Bald, who has won the race every year.

Many in even money have also been

placed on Eaton against Loughhead in their heat and like bets have been put up on Bald against Cooper. Some have bet that Eaton will beat Bald and in fact, there are bets of all kinds. In spite of the fact that Cooper beat Bald badly in Florida on their last track race, Bald is down to a standstill, while Cooper is in the lead.

It is a great race and cannot be counted entirely out of it.

There are many who think that it is a cinch for him to beat Cooper on the boards.

They are all confident and the race is undoubtedly going to be a hard fought one from the start to finish.

The first heat will be called at 8:20 o'clock sharp.

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IT IS Our Aim to Please
Every Customer and
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TODAY IT'S COUGH REMEDIES.

Acker's English Remedy . . . 18c, 38c, 75c

Bull's Cough Syrup . . . 18c, 38c, 75c

Compound Syrup White Pine, . . . 4 ounces . . . 25c

Sweet Gum and Mullen . . . 15c, 38c, 75c

Cousen's Honey Tar . . . 18c, 38c

Dr. Palmer's Tolu and Honey

Cough Medicines . . . 15c

Cheney's Expectorant . . . 15c

Cooper's Cough Syrup . . . 75c

Marsden's Pectoral Balm . . . 40c, 60c

Ayer's Cherry Pectoral . . . 40c, 60c

King's New Discovery . . . 35c, 75c

Piso's Consumption Cure . . . 18c

Chest . . . Our stock is large and well

selected. Let us show them to you.

Flannel . . . 15c, 25c, 35c, 50c

Chamois . . . 25c and \$1.00

Chamois Vest for Ladies and Men . . . at . . . \$2.00, \$2.50, \$3.00

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